



# **Defense Acquisition Regulations System (DARS): The Rule-Making Process**

***How It Works and How You Can Get Involved***

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**<http://www.acq.osd.mil/dpap/dars/>**



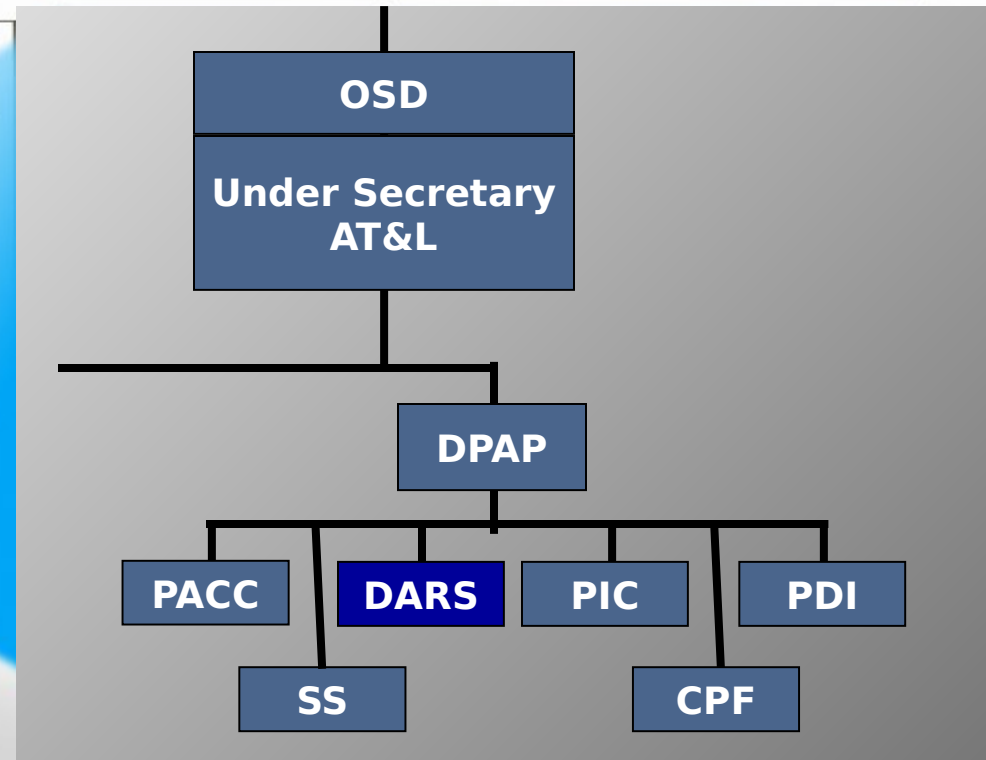
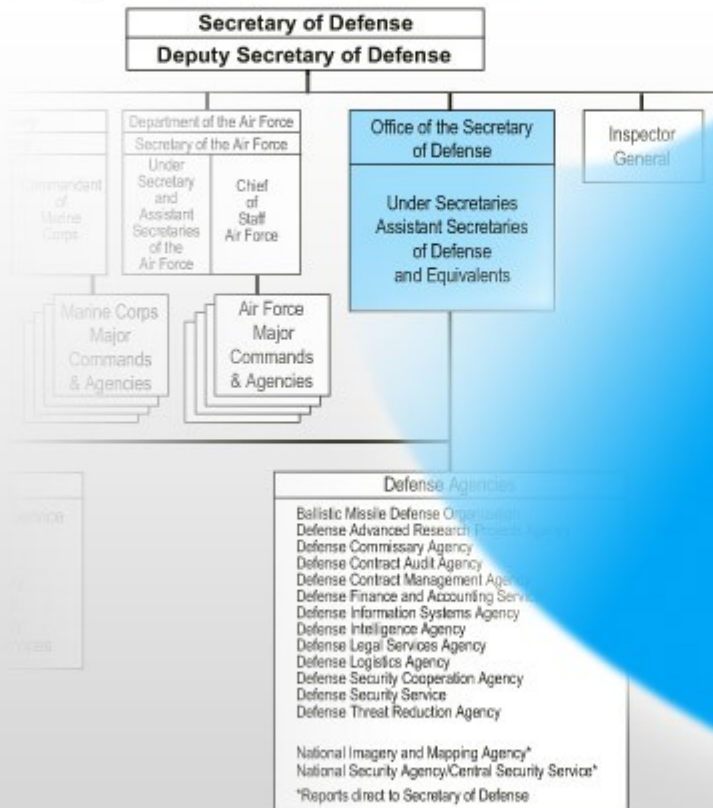
# Agenda

- ▶ **Department of Defense (DoD) & DARS: Supporting the Warfighter**
- ▶ **Federal Acquisition Regulation (FAR) & Defense Federal Acquisition Regulation Supplement (DFARS)**
- ▶ **Introducing Procedures, Guidance and Information (PGI)**
- ▶ **FAR/DFARS Changes - Rulemaking Process**
- ▶ **How You Can Become Involved**
- ▶ **Cases of Key Interest**



# DoD & DARS

## Department of Defense



# DPAP Directorates

## ▶ DARS

- **Implements statutes and mission focused policies, procedures and guidance in FAR, DFARS and PGI**

## ▶ Policy and International Contracting

- **Focal point for developing new, innovative acquisition policies and improving existing DoD acquisition policies and international contracting issues**

## ▶ Program Acquisition and Contingency Contracting

- **Responsible for DoD 5000 series policies and business strategies for acquisition programs and Program Development and Integration and contingency contracting issues**

## ▶ Program Development and Implementation

- **Creates policies for uniquely identifying tangible items**
- **Develops and implements strategies for purchase card**

# DPAP Directorates

## ▶ Strategic Sourcing

- Performs spend analysis and provides necessary data and information to make informed business decisions about acquiring commodities and services more efficiently and effectively.

## ▶ Cost, Pricing, and Finance

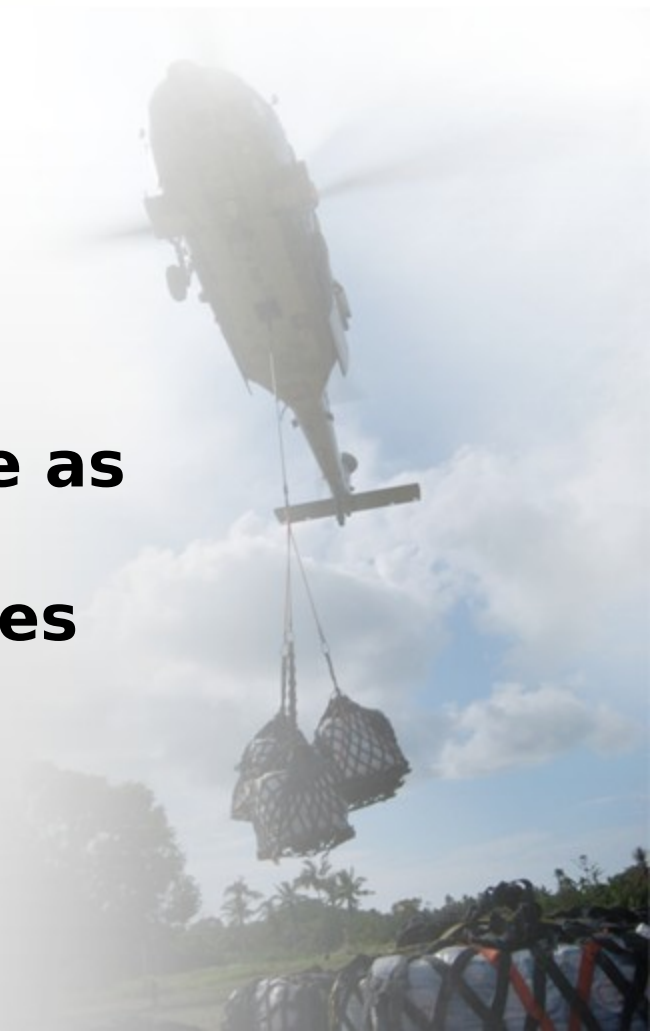
- Focal point for developing new, innovative cost and pricing policies while monitoring existing DoD acquisition policies and contract cost, price, and finance issues



# DoD & DARS: Supporting the Warfighter

## Our Mission

**DARS develops and maintains acquisition rules and guidance to facilitate the Acquisition workforce as they acquire the goods and services DoD requires to ensure America's Warfighters' continued worldwide success.**







## **FAR**

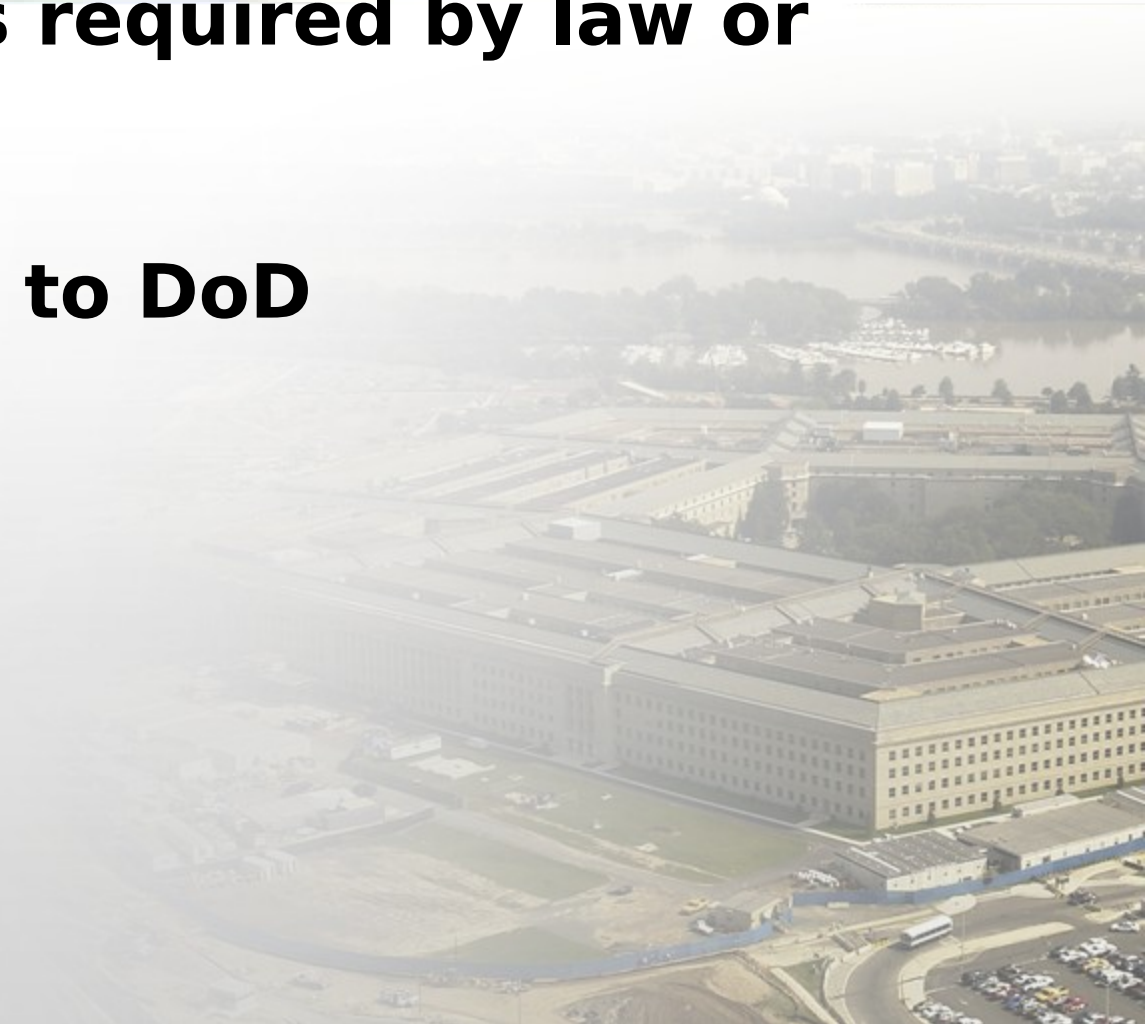
- ▶ **Regulations required by law and policy**
- ▶ **Rules apply to Federal Government agencies**





## **DFARS**

- ▶ **Regulations required by law or policy**
- ▶ **Rules apply to DoD**







## **PGI**

- ▶ **Internal DoD procedures**
- ▶ **Provides a central point for locating:**
  - **Agency guidance**
  - **Training**
  - **Guides**
  - **Outside resources**
  - **OSD policy letters**
  - **Other pertinent information**
- ▶ **Companion resource to the DFARS**
- ▶ **Single access-point to internal DoD acquisition procedures, policy training and class deviations**

# What is PGI

▶ **Includes:**

- Procedures (Mandatory and optional DoD-internal procedures)
- Guidance
- Training
- Other Reference Material (agency guides, handbooks, etc.)

▶ **Does not includes material that:**

- Has significant impact on the public
- Is statutory and/or a codified regulation

## VALUE

- Dynamic
  - Does not require public comment process (changes can be published quickly)
  - Supports rapid change
  - Fosters flexibility and innovation
  - Expedites process
- Clear Distinction between regulation vs procedure
- Web based Access

# **Automated Access to DFARS and PGI**





Search  **Go**

DPAP Operations

Defense Acquisition  
Regulations System

Contract Policy and  
International Contracting

Contract Policy

International Contracting

Program Aquisition and  
Contingency Contracting

Program Aquisition

Contingency Contracting

Cost, Pricing & Finance

Program Development and  
Implementation

E-Business

Purchase Card

Unique Identification

Strategic Sourcing

**Items of Interest**

## DFARS/PGI

DPAP Policy is a central repository of documents that are available for dissemination to the public. Unclassified, non-confidential memoranda, guidance, regulations, and other DPAP-related policy documents can be found here. Policy memos are also located in the appropriate PGI subpart. See [DFARS Change Notices](#) for links to PGI replacement subparts documents for PGI changes made on or after January 23, 2006.

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ARCHIVES

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# The Rulemaking Process





# FAR Council Structure





# FAR Council

## ▶ FAR Council Members:

- **Chair: Office of Federal Procurement Policy (OFPP)**
- **DoD**
  - **DPAP represents DoD**
- **General Services Administration (GSA)**
  - **GSA represents CAAC**
- **National Aeronautics and Space Administration (NASA)**

## ▶ Responsibilities:

- **Provide overall strategy to the DAR Council and CAAC**
- **Resolve disagreements between the DAR Council and CAAC**





# DARC

## ► DAR Council Members:

- **Chair: Director, DARS**
- **Military Services (Army, Navy, Air Force)**
- **Defense Agencies (DCMA, DLA)**
- **NASA**

## ► Responsibilities:

- **Promulgate the DFARS and PGI**
- **Promulgate the FAR (in conjunction with CAAC)**





# CAAC

## ► CAAC Members:

- Chair: GSA
- Representatives from the Civilian Agencies

## ► Responsibilities:

- Promulgate the FAR (in conjunction with DARC)
- Publish Federal Register (FR) notices, solicit public comments
  - Advance notice of proposed rulemaking (ANPR)
  - Proposed and interim rules
- Publish Final rules in FR







# Sources of FAR/DFARS/PGI Changes

**Legislation**

**IG & GAO Recommendations**

**Court Decisions**

**Office of Federal Procurement and Policy (OFPP)  
Policy Letters**

**Executive Orders**

**Agency Recommendations**

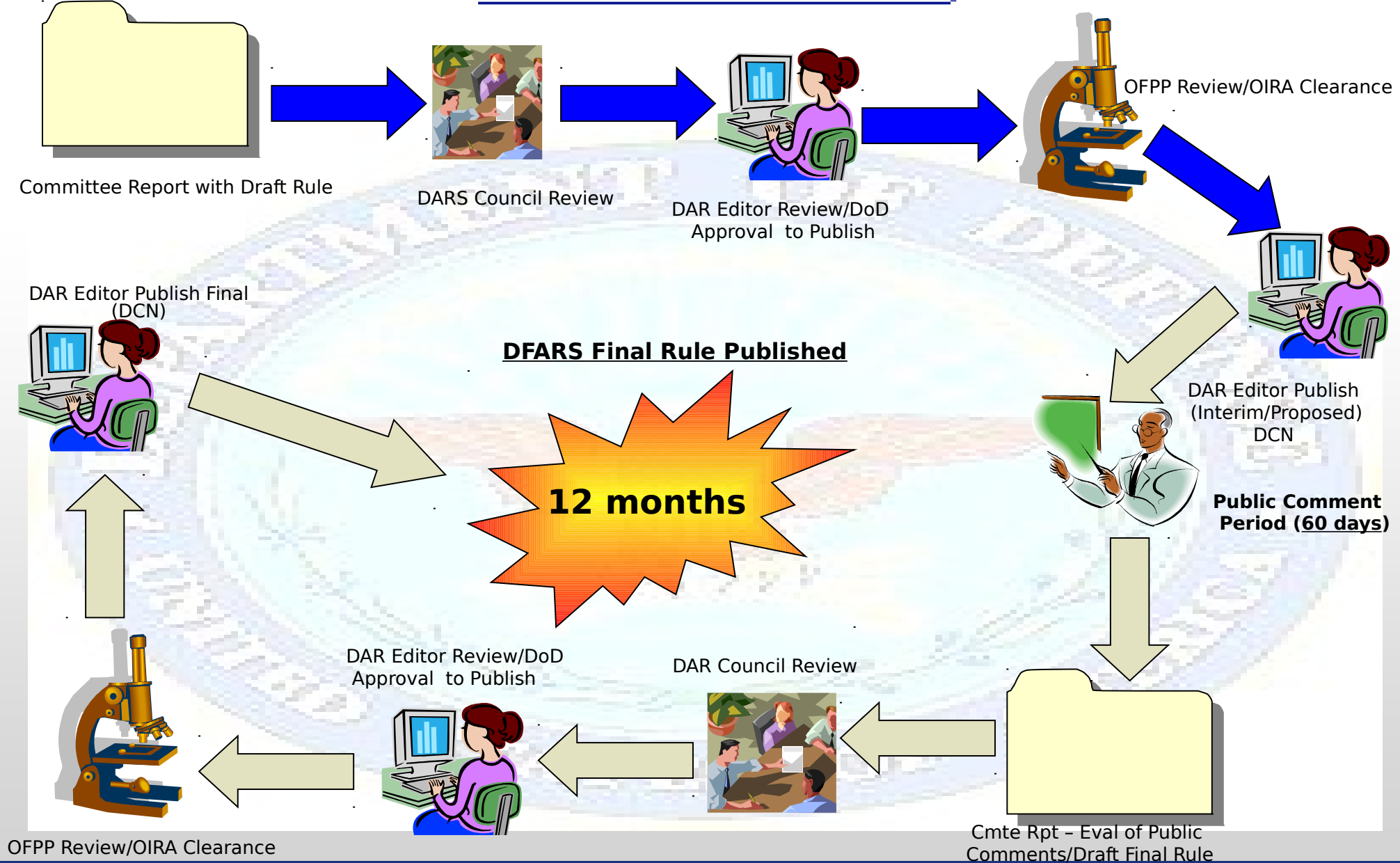
**Individual Recommendations**

**Industry Recommendations**

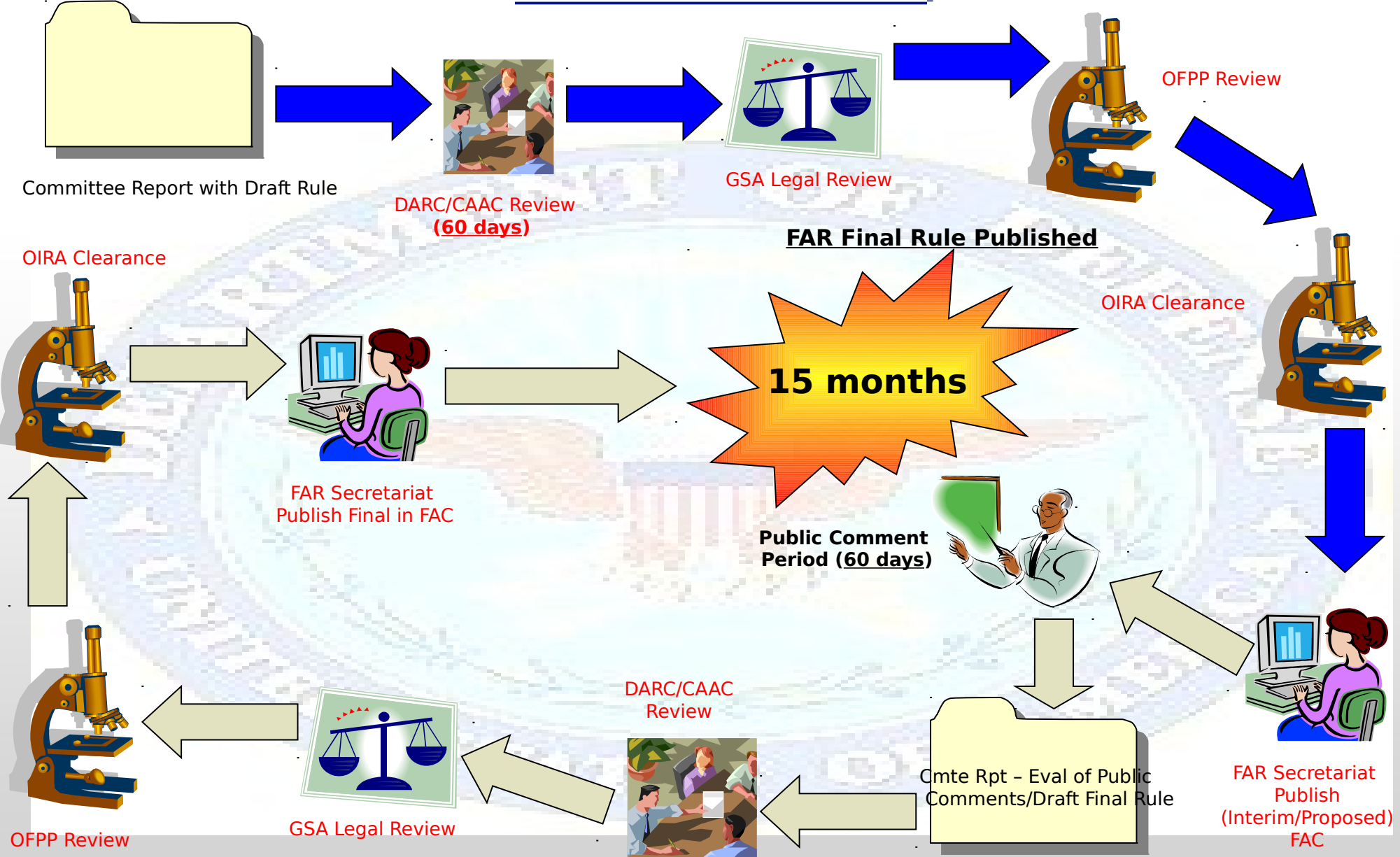
**Policy Changes (e.g., USD (AT&L), DPAP)**

**FAR  
DFARS  
PGI**

# DFARS Case Timeline



# FAR Case Timeline





# Get Involved in the Rulemaking Process

- ▶ **Review DFARS and FAR proposed and interim rules**
  - **Change Notices:**  
<http://www.acq.osd.mil/dpap/dars/dfars/changenotice/index.htm>
- ▶ **Submit input**
  - **Agency comment (through command channels)**
  - **Internet (follow local and agency procedures)**
- ▶ **View public comments on proposed & interim rules**
  - **DFARS rules:** <http://www.acq.osd.mil/dpap/dars/publiccomm/>
  - **FAR rules:** [www.regulations.gov](http://www.regulations.gov)
- ▶ **View status of open cases**
  - [http://www.acq.osd.mil/dpap/dars/case\\_status.html](http://www.acq.osd.mil/dpap/dars/case_status.html)



# Cases of Key Interest

## ▶ Small Business/Government Property Session:

- 2006-032, Small Business Size Representation
- 2006-034, Socioeconomic Program Parity
- 2006-005, HUBZone Program Revisions
- 2005-040, Electronic Subcontracting Reporting System
- 2004-025, Government Property

## ▶ International Acquisition Session:

- 0000-P073, Restriction on Acquisition of Specialty Metals
- 2007-D013, Waiver of Specialty Metals Restriction for Acquisition of Commercially Available Off-the-Shelf Items
- 2006-D006, Berry Amendment Notification Requirement
- 0000-P068 and 2000-304, Reporting of Acquisitions of End Products Manufactured Outside the United States
- 2006-D031, Clothing Material and Components





# Cases of Key Interest

- **2005-D002, Restriction on Carbon, Alloy and Armor Steel Plate**
- **0000-P070 and 0000-P071, Reciprocity of Domestic Nonavailability Determinations and Domestic Nonavailability Determinations**
- **2006-D007, Prohibition on Acquisition from Communist Chinese Military Companies**
- ▶ **Acquisition Technology:**
  - **2004-038, Federal Procurement Data System (FPDS)**
  - **2007-D006, DD350 Contract Reporting**
  - **2006-D049, Mandatory Use of Wide Area Workflow**





# Contact Us:

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